

AMENDED IN ASSEMBLY APRIL 6, 2010

CALIFORNIA LEGISLATURE—2009—10 REGULAR SESSION

**ASSEMBLY BILL**

**No. 2258**

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**Introduced by Assembly Member Bass**

February 18, 2010

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*An act to add Title 6.5 (commencing with Section 4950) to Part 3 of the Penal Code, relating to sentencing.*

LEGISLATIVE COUNSEL'S DIGEST

AB 2258, as amended, Bass. California Public Safety Commission.

Existing law prescribes various penalties for criminal offenses.

This bill would create the California Public Safety Commission, an independent, multijurisdictional body to provide a nonpartisan forum for statewide policy development, information development, research, and planning concerning criminal sentences and their effects. *The bill would state legislative findings and declarations regarding criminal sentencing laws and policies. The bill would provide for the appointment of an executive director and for the designation of the commission's staff. The bill would provide that the commission's staff shall spend its first 3 years solely getting organized, creating procedures and partnerships, conducting research, and collecting data, as specified. The bill would require state agencies and departments to make their services, equipment, personnel, facilities, and information available to the commission, as specified. The commission would be required to develop information systems to track, among other things, criminal cases entering the courts and sentencing patterns for the state as a whole and for geographic regions within the state.*

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

1     *SECTION 1. Title 6.5 (commencing with Section 4950) is added*  
2     *to Part 3 of the Penal Code, to read:*

3  
4     *TITLE 6.5. CALIFORNIA PUBLIC SAFETY COMMISSION*

5  
6     4950. (a) *The Legislature hereby finds and declares all of the*  
7     *following:*

8     (1) *There are more than 1,000 felony sentencing laws and more*  
9     *than 100 felony sentence enhancements across California codes.*

10    (2) *States with sentencing commissions have reduced overall*  
11    *crime rates by increasing penalties for the most dangerous*  
12    *offenders and expanding options for community-based sanctions*  
13    *for certain low-level, nonviolent offenders.*

14    (3) *California currently lacks a reliable and comprehensive*  
15    *system for collecting and analyzing data related to current and*  
16    *historical sentencing practices.*

17    (b) *There is hereby established the California Public Safety*  
18    *Commission, an independent, multijurisdictional body, to provide*  
19    *a nonpartisan forum for statewide policy development, information*  
20    *development, research, and planning concerning criminal*  
21    *sentences and their effects.*

22    4955. *In creating the California Public Safety Commission, it*  
23    *is the intent of the Legislature to enhance public safety, promote*  
24    *effective crime-reduction strategies, base California's sentencing*  
25    *practices on principles of fairness, justice, and accountability, and*  
26    *ensure that public resources and taxpayer dollars are expended*  
27    *in a way that most successfully protects the public from crime and*  
28    *reduces criminal recidivism.*

29    4960. (a) *The Chief Justice of the California Supreme Court*  
30    *shall appoint an executive director who shall be exempt from civil*  
31    *service.*

32    (b) *The administrative duties of the commission shall be*  
33    *conducted by commission staff physically sited in the*  
34    *Administrative Office of the Courts (AOC). All of the commission's*  
35    *decisions, analyses, recommendations, and other duties shall be*  
36    *independent of the AOC and shall not reflect any position of the*  
37    *AOC or be represented as those of the AOC.*

1     (c) For the purposes of expenditures for the support of the  
2     commission, including the expenses of the members of the  
3     commission, the commission shall be deemed to be within the  
4     judicial branch of state government, but the commission shall not  
5     be subject to the control or direction of any officer or employee  
6     of the judicial branch except in connection with the appropriation  
7     of funds approved by the Legislature.

8     (d) The commission is a criminal justice agency within the  
9     meaning of Section 13101.

10    4965. (a) The commission's staff shall spend its first three  
11    years solely getting organized, creating procedures and  
12    partnerships, conducting research, and collecting data.

13    (b) In discharging its responsibilities under subdivision (a), the  
14    commission shall do the following:

15    (1) Collect information on all correctional populations in the  
16    state.

17    (2) Survey correctional resources across state and local  
18    governments.

19    (3) Conduct research into crime rates, criminal cases entering  
20    the court system, sentences imposed and served for particular  
21    offenses, and sentencing patterns for the state as a whole and for  
22    geographic regions within the state.

23    (4) Consult available research and data on the current  
24    effectiveness of sentences imposed and served.

25    (5) Study the experiences of other jurisdictions with sentencing  
26    commissions.

27    (6) Identify and prioritize areas where necessary data and  
28    research are lacking concerning the operation of the sentencing  
29    system, and recommend to the Legislature means by which the  
30    commission or other state agencies may be empowered to address  
31    those needs.

32    (c) The commission shall, on an ongoing basis, develop  
33    information systems to track criminal cases entering the court  
34    system; the effects of offense, offender, victim, and case-processing  
35    characteristics upon sentences imposed and served; sentencing  
36    patterns for the state as a whole and for geographic regions within  
37    the state; data on the incidence of and reasons for sentence  
38    revocations; and other matters found by the commission to have  
39    important bearing on the operation of the sentencing and  
40    corrections system.

1     4970. (a) (1) Upon request from the commission, each agency  
2     and department of state government shall make its services,  
3     equipment, personnel, facilities, and information available to the  
4     greatest practicable extent to the commission in the execution of  
5     its functions. Information that is privileged under state or federal  
6     law is exempted from this section.

7     (2) State agencies shall inform the commission if the information  
8     requested is not available. If the commission is informed by a state  
9     agency that information is not available, the commission may then  
10    request that information from a local law enforcement agency  
11    which may provide that information to the greatest extent practical.

12    (b) Upon request from the commission, state law enforcement  
13    agencies, including parole officers, shall supply arrest and criminal  
14    history records to the commission. County probation departments  
15    may provide copies of presentence reports to the commission, upon  
16    request.

17    (c) Any information obtained by the commission pursuant to  
18    this section is confidential, and shall be maintained in a manner  
19    that meets the highest standards of privacy and shall not be  
20    disclosed other than for the purpose for which it was acquired.

21    (d) The commission shall have the authority to enter  
22    partnerships or joint agreements with organizations and agencies  
23    from this and other jurisdictions, including academic departments,  
24    private associations, and other sentencing commissions, to perform  
25    research needed to carry out its duties.

26    ~~SECTION 1. There is hereby established the California Public~~  
27    ~~Safety Commission, an independent, multijurisdictional body to~~  
28    ~~provide a nonpartisan forum for statewide policy development,~~  
29    ~~information development, research, and planning concerning~~  
30    ~~criminal sentences and their effects.~~